

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

## IN RE FEDERATED MUTUAL FUNDS EXCESSIVE FEE LITIGATION

2:04cv352  
Electronic Filing

**GARY M. BAUER**, Individually and on behalf of  
all others similarly situated,

Plaintiff,

VS.

2:04cv702  
Electronic Filing

**FEDERATED EQUITY MANAGEMENT  
COMPANY OF PENNSYLVANIA, et al.,**

## Defendants

**RANDAL C. BREVER, for the use and benefit  
of the FEDERATED KAUFMANN FUND,**

Plaintiff,

V.

2:04cv855  
Electronic Filing

**FEDERATED EQUITY MANAGEMENT  
COMPANY OF PENNSYLVANIA, et al.,**

## Defendants

**GRETCHEN W. REAVES, for the use and benefit of the FEDERATED KAUFMANN FUND,**

Plaintiff,

V.

2:05cv201  
Electronic Filing

**FEDERATED INVESTORS, INC., et al.,**

## Defendants

**LAWRENCE ZUCKER**, on Behalf of Himself )  
and all Others Similarly Situated, )

Plaintiff, )

vs. )

2:06cv241  
Electronic Filing

**FEDERATED SHAREHOLDER SERVICES )  
COMPANY, JOHN F. DONAHUE, )  
J. CHRISTOPHER DONAHUE, LAWRENCE )  
D. ELLIS, THOMAS G. BIGLEY, JOHN T. )  
CONROY, JR., NICHOLAS P. )  
CONSTANTAKIS, JOHN F. CUNNINGHAM, )  
PETER E. MADDEN, CHARLES F. )  
MANSFIELD, JR., JOHN E. MURRAY, JR., )  
MARJORIE P. SMUTS, JOHN S. WALSH and )  
FEDERATED SECURITIES CORP., )**

Defendants. )

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**ORDER OF COURT**

AND NOW this 1<sup>st</sup> day of May, 2008, upon having considered the parties' Joint Motion to Extend Discovery and Other Pretrial Deadlines, IT IS ORDERED that the discovery and other pretrial deadlines set forth in the Case management Order of April 19, 2007, be extended as follows:

Plaintiffs shall move to consolidate and amend the pleadings or add new parties by April 25, 2008. Defendants shall have until May 15, 2008 to respond to plaintiffs' motion to consolidate and amend the pleadings, and shall have 30 days after disposition of said motion (whether by stipulation or otherwise) to respond by answer, motion or otherwise, to any amendment that is permitted.

All fact discovery shall be completed by February 3, 2009. Plaintiffs shall identify their experts and submit any expert reports on or before April 6, 2009. Defendants shall identify their experts and submit any expert reports on or before June 5, 2009. Rebuttal experts shall be identified within thirty days after disclosure of the opposing party's expert.

Depositions of all experts shall be completed on or before July 21, 2009.

All written discovery shall be initiated in sufficient time to permit responses to be completed and depositions to be taken in compliance with all applicable deadlines.

If the completion of the expert reports and/or the depositions of experts cannot for good cause be completed by the close of discovery, then prior to the close of discovery counsel shall agree upon a date for the exchange and submission of such reports and/or taking of any necessary depositions.

Prior to August 25, 2009, counsel shall confer and complete the attached pre-trial stipulation. The pre-trial stipulation shall be filed with the Court on that date and shall contain all uncontested facts which can be considered by the Court in rendering judgment.

Prior to completing the pre-trial stipulation counsel shall disclose and identify for the record all exhibits to be offered at trial.

Plaintiffs pretrial narrative statement shall be filed on or before September 22, 2009, and comply with Local Rule 15.1.4A.

Plaintiff Counsel shall specify all material facts to be proved at trial and identify all exhibits to be used in the plaintiffs case-in-chief. Proof of facts not specified or exhibits not identified may be excluded at trial upon objection or by the Court sua sponte.

On or before September 22, 2009, Plaintiffs shall also file and serve (1) proposed findings of fact and conclusions of law and (2) a pre-trial brief in support of judgment. Plaintiffs proposed findings of fact and conclusions of law shall be consecutively numbered and shall address each contested issue of fact and/or law remaining for trial. Each proposed finding shall be supported by clear and specific references to the portions of the record relied upon to support it. Each proposed conclusion shall be supported by citation to appropriate authority. The proposed findings and conclusions shall be accompanied by a pre-trial brief in support of the judgment integrating the proposed findings with the corresponding conclusions and demonstrating under the controlling authority why the relief requested is appropriate.

Defendants pretrial narrative statement shall be filed on or before October 23, 2009 and comply with Local Rule 16.1.4B.

Defendants' Counsel shall specify all material facts to be proved at trial and identify all exhibits to be used in the defendants case-in-chief. Proof of facts not specified or exhibits not identified may be excluded at trial upon objection or by the Court sua sponte.

On or before October 23, 2009 Defendants shall also file and serve (1) counter-proposed findings of fact and conclusions of law and (2) a pre-trial brief in support of judgment.

Defendants proposed counter findings and conclusions shall correspond to the same numbered findings and conclusions advanced by plaintiffs before identifying any additional matters raised in defense. Each proposed counter finding shall be supported by clear and specific references to the portions of the record relied upon to support it. Each proposed counter conclusion shall be supported by citation to appropriate authority. The proposed counter findings and conclusions shall be accompanied by a brief in support of judgment integrating the proposed counter findings with the proposed counter-conclusions and demonstrating under the controlling authority why the relief requested is appropriate. All dispositive motions shall be filed on or before November 24, 2009, and shall be presented in compliance with subsection B of this Courts April 19, 2007 Case Management Order.

Leave will be granted to file under seal any of the above mentioned documents that reference or contain confidential information on a submission-by-submission basis.

In all other aspects the Case Management Order of April 19, 2007, remains unchanged.

s/ David Stewart Cercone  
David Stewart Cercone,  
United States District Judge

cc: All Counsel of Record